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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/911,621	07/25/2001	Seisaku Iwasa	IS-US000501	3456

22919 7590 08/12/2003

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EXAMINER

STASHICK, ANTHONY D

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 08/12/2003

11

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/911,621

Applicant(s)

IWASA ET AL.

Examiner

Anthony D Stashick

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5 and 7-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,5 and 7-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 July 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on July 3, 2003 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Reichental et al. 5,794,406. Reichental et al. '406 discloses all the limitations of the claims including the following: a vertical bag form-fill-seal machine; a first transfer unit 82 for receiving the separated bags that are

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supplied in a first direction and transferring them in a second direction not parallel to the first direction; a first drive unit M for driving the first transfer unit; a control unit (computer with hardware and software including electric motor, drive belt, etc. see col. 7, line 66-col. 8, line 7) for controlling the first drive unit so that the speed of the first transfer unit is at or higher than the initial speed of the bags at the start of the first transfer unit; the control unit controls a posture of the bags ejected (i.e. based on speed control) from the first transfer unit; the first transfer unit is a belt 82.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5, 7-10 and 12-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reichental et al. '406 in view of Kreager 4,517,790. Reichental et al. '406 discloses all the

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limitations substantially as claimed including the following:
form-fill-seal machine (see Figure 1); a first transfer unit (44, 45) for transferring the separated bags to another (second) transfer unit (M, 82); provided downstream; a first drive unit (46, 47) for driving the first transfer unit; a control unit (computer with hardware and software including electric motor, drive belt, etc., see col. 7, line 66-col. 8, line 7); for controlling the first transfer unit (including speed of transfer unit if desired); the control unit controls speed of transfer unit; first transfer unit is a belt; the first transfer unit comprises two belts (44, 45) holding each of the bags sandwiched between them (see Figure 3); means for changing the distance between the two belts (see col. 6, lines 35-38 and col. 8, lines 1-7) with the control unit able to control the distance between the two belts; second transfer unit (M, 82) for receiving, transferring, and ejecting the bags transferred from the first transfer unit (see Figure 15); the second transfer unit is a belt (Figure 15, reference 82) with a guide bar (shown in Figure 15 with bags located between them) approximately orthogonal to the direction of transfer. Reichental et al. '406 does not disclose or teach the belt of the first transfer unit being inclined moving diagonally downward or the bent transfer passage or a forming means for forming the packaging material into a

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tubular shape. Kreager '790 teaches that a form-fill-seal machine that seals tube can have a first transfer unit with the belt of the first transfer unit inclined (see Figure 1) so as to move the sealed packages to a second staging section next to the form-fill-seal machine. Henceforth, with such inclination, the bags would move diagonally downward shifting from a vertical to a slanted direction and therefore not being parallel to the first direction. Kreager '790 also teaches that the transfer passage can be bent and therefore move the packages in an inclined direction (see Figure 1 with respect to 44, 56 and 60). Furthermore, Kreager '790 teaches that the supply material to a packaging machine can be formed into a tubular shape by forming means (funnel 12). Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to slant the first transfer unit of Reichental et al. '406, as taught by Kreager '790, to move the packages to a second staging section next to the form-fill-seal machine and to bend the transfer passage to move the packages in an inclined direction. It also would have been obvious to place a forming funnel, such as that shown in Kreager '790 at the end of the feed of Reichental et al. '406 to aid in forming the package of the material to be placed within. With respect to claims 14-19 and 28-30, since a computer includes memory that can hold and

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control many different machine parts, it would have been obvious to have the computer of Reichental et al. '406 control any moving mechanisms of the form-fill-seal machine and to store and display such data to the user of the machine.

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as modified and applied to claim 7 above in view of Mabry 4,719,741. The references as modified and applied to claim 7 above disclose all the limitations of the claim except for the machine including a cooling unit for spraying cooling gas on the sealed part of each of the bags sandwiched between the belts. Mabry '741 teaches that after heat-sealing the bags in a form-fill-seal machine, a cool spray can be applied to the seal to cool the seal to increase the seal strength and reduce the likelihood of leakage or total failure of the seal (see col. 4, lines 30-53). Therefore, it would have been obvious to place a cooling spray, such as that taught in Mabry'741, in the machine of the references as modified and applied above, to cool the seal, increase the seal strength and reduce the likelihood of leakage or total failure of the seal.

Response to Arguments

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4. Applicant's arguments filed July 3, 2003 have been fully considered but they are not persuasive. Applicant argues that the change of the conveyor direction is caused by 82 not 44, 45, which argument is unclear. Kreager teaches that the first transfer unit can be slanted to receive the cut bags and therefore, it would have been obvious to slant the first transfer unit of Reichental et al. '406, as taught by Kreager to allow for the flow of the bags to be controlled by the belt.

Conclusion

Telephone inquiries regarding the status of applications or other general questions, by persons entitled to the information, "should be directed to the group clerical personnel and not to the examiners. In as much as the official records and applications are located in the clerical section of the examining groups, the clerical personnel can readily provide status information without contacting the examiners", M.P.E.P. 203.08. The Group clerical receptionist number is (703) 308-1148.

If in receiving this Office Action it is apparent to applicant that certain documents are missing, e.g., copies of references cited, form PTO-1449, form PTO-892, etc., requests for copies of such papers or other general questions should be directed to Tech Center 3700 Customer Service at (703) 306-5648, email CustomerService3700@uspto.gov.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony D Stashick whose telephone number is 703-308-3876. The examiner can normally be reached on Monday through Thursday 8:00 am-4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 703-308-2672. The fax phone numbers for the organization where this

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application or proceeding is assigned are 703-872-9302 for regular communications and 703-872-9303 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-1148.

Other helpful telephone numbers are listed for applicant's benefit.

Allowed Files & Publication	(703) 305-8322
Assignment Branch	(703) 308-9287
Certificates of Correction	(703) 305-8309
Drawing Corrections/Draftsman	(703) 305-8404/8335
Fee Increase Questions	(703) 305-5125
Intellectual Property Questions	(703) 305-8217
Petitions/Special Programs	(703) 305-9282
Terminal Disclaimers	(703) 305-8408
Informal Fax for 3728	(703) 308-7769

If the information desired is not provided above, or has been changed, please do not call the examiner (this is the latest information provided to him) but the general information help line below.

Information Help line	1-800-786-9199
Internet PTO-Home Page	http://www.uspto.gov/



Anthony D Stashick
Primary Examiner
Art Unit 3728

ADS
August 11, 2003